THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.26226/1995

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Ganta Chinna Rao ..Petitioner

V.

1.The Mandal Revenue Officer, G.L.Puram, Vizianagaram District and another

..Respondents.

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.26226/1995

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ORAL ORDER

The petitioner claiming to be the absolute owner of land in S.No.69/3 ad-mealsuring Ac.2-70 cents of wet land situate in Rella Village having granted “D” form patta in the year 1971 filed the present writ petition stating that without issuing any notice or without following due procedure, the first respondent instigated the tribals to evict the petitioner from the land and though he reported the matter to the second respondent, he has not taken any action.

Time and again this court reiterated if the revenue officials or the municipal authorities feel that any property of the Government is in possession of a citizen under encroachment or

under a sale deed, he is not entitled to be in occupation, notice is necessary before eviction as contemplated under the A.P. Land Encroachment Act or any Act for the time being in force. Without issuing any notice and without following due procedure, the respondent cannot the petitioner from his land, even his possession is un-authorised and prohibited under any law.

In spite of petitioner approaching this court by filing the present writ petition and this court granting stay of dispossession on 31-1-1996, the Mandal Revenue Officer has not chosen to contest the matter by filing counter-affidavit.

In view of the same, the respondent is directed not to evict the petitioner from his land without following due procedure as contemplated under the A.P. Land Encroachment Act or any other enactment.

With the above direction, the writ petition is accordingly disposed of. No costs.

18-3-2006

kmr